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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/659,007

09/09/2003

Michal Hlavac

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07/31/2006

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EXAMINER

STOICA, MARIA

ART UNIT

PAPER NUMBER

3715

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/659,007 | Applicant(s)<br>HLAVAC ET AL. |  |
|                              | Examiner<br>Maria Stoica      | Art Unit<br>3715              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/28/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figures 1-4, 7-9, 11-15, 20, 22, 24-29, 31-32, and 36-39 have shading which obscures the drawing or the labels. Also, in the figures with handwritten labels, the handwriting is not always legible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 states "such that the individual learns the skill" (p. 103, lines 8-9). This limitation of the claim is not concrete. There is no reasonable expectation that the user will learn the skill through the method of the present invention. This is merely the intended use of the invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Rapoza et al. (US Patent No. 6,561,811).

Regarding claim 1, Rapoza discloses a method of providing a virtual world comprising a virtual environment (col. 7, lines 51-53), a plurality of virtual elements within the virtual environment, each of the virtual elements being able of interacting with other virtual elements in the virtual environment, as well as with the user (col. 8, lines 47-53; col. 12, line 64 – col. 13, line 10); wherein at least one of the virtual elements is a

virtual character (col. 8, lines 51-53), the character having a behavior state (i.e., CHA, CON), an emotion state (i.e., CONF), and a learning state (i.e., INT) (col. 17, lines 39-48, lines 62+), and the learning state is capable of changing in response to commands from the user controls (e.g., col. 16, lines 60-67); presenting a learning circumstance to the individual (col. 8, lines 11-13) and prompting the individual to provide instructions to at least one of the virtual elements wherein the instructions incorporate the skill to be taught to the individual (col. 7, lines 54-57; col. 8, lines 21-46); and providing positive reinforcement to the individual when the instructions provided are correct (col. 9, lines 3-7; col. 3, lines 10-13; col. 2, lines 58-59).

Regarding claims 2-3, Rapoza discloses that the instructions may be provided to a virtual character, where the instructions relate to the skill being taught to the user (col. 7, lines 54-57).

Regarding claims 4-5, Rapoza discloses that the instructions comprise direct (i.e., inducing an action by another character) and indirect (i.e., advice) instructions (col. 38, lines 22-37).

Regarding claim 6, Rapoza discloses that the indirect instructions may comprise providing an example (col. 38, lines 27-28).

Regarding claim 7, Rapoza discloses that the indirect instruction comprise creating an inference (col. 38, lines 28-30).

Regarding claim 8, Rapoza discloses that the virtual environment is configured so that additional virtual elements can be introduced into the environment (e.g., introducing cigarettes as a temptation to the user, col. 33, lines 45-60).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chudley et al. (US Patent No. 6,763,273), Aldrich (US Patent Application Publication 2004/0103148), Farmer et al. (US Patent No. 6,476,830), Liles et al. (US Patent No. 5,880,731), and Brown (US Patent No. 5,730,654) relate to methods of learning through an interactive virtual environment.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Stoica whose telephone number is (571) 272-5564. The examiner can normally be reached on M-F: 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3715

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

  
KATHLEEN MOSSER  
PRIMARY EXAMINER